



STEVEN L. BESHEAR
GOVERNOR

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER
200 FAIR OAKS LANE
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

LEONARD K. PETERS
SECRETARY

February 11, 2009

Kenneth Rust
1305 County Road 1234
Arlington, KY 42021

Re: KNDOP No.: 039100811
Kenneth Rust Hog Farm
AI ID: 100811
Activity ID: APE20080002
Carlisle County, Kentucky

Dear Mr. Rust:

Enclosed is the Kentucky No Discharge Operational Permit (KNDOP) for the above-mentioned facility. This permit is consistent with the federal requirements and is valid until it is modified, revoked, or expires. Issuance of this permit is in accordance with the authority vested under KRS 224 and 401 KAR 5:005.

Please note that any direct discharge to surface water is prohibited. Failure to comply with this requirement constitutes a violation of the permit and subjects the permittee to possible enforcement action pursuant to KRS 224.

Please note that the number of animals is limited. Should the permittee desire an increase in this number, the storage capacity of the facility would likewise have to be increased through additional construction.

In accordance with KRS 224.10-420(2), you have the right to request a hearing concerning this permit by filing a petition with the Natural Resources and Environmental Protection Cabinet.

If you have questions regarding this permit, please contact Ronnie Thompson, of my staff, at the above address or by calling (502) 564-8158, extension 4896.

Sincerely,

For: Sandra L. Gruzesky, Director
Division of Water

SLG:JMB:rt

Enclosure

c: Todd Templeton, NRCS
Carlisle County Health Department

KNDOP



Kentucky No Discharge Operational Permit

PERMIT

PERMIT NO.: 039100811

AUTHORIZATION TO OPERATE A NO DISCHARGE WASTE TREATMENT SYSTEM

PURSUANT TO AUTHORITY IN KRS 224,

Kenneth Rust
1305 County Road 1234
Arlington, KY 42021

is authorized to operated a no discharge system for disposal of treated wastewater at

Kenneth Rust Hog Farm
County Road 1234
Arlington, Carlisle County, KY 42021

in accordance with all applicable provisions of said Statute and all rules and regulations hereto and hereafter issued by the Department.

SEE ATTACHED FOR CONDITIONS

This permit is issued for the period from ____ to ____.

Issued at Frankfort, Kentucky this the ____ day of ____

For: Sandra L. Gruzesky, Director
Division of Water

SLG:JMB:rt

Enclosure

c: Todd Templeton, NRCS
Carlisle County Health Department

DEPARTMENT FOR ENVIRONMENTAL PROTECTION
Division of Water, 200 Fair Oaks Lane, Frankfort, Kentucky 40601
Printed on Recycled Paper

CONDITIONS

A. Siting Criteria

The following siting criteria shall apply to all land application areas and to all new barns and lagoons.

SETBACK FEATURE ⁽³⁾	BARN OR LAGOON	LAND APPLICATION AREA	
		Injection	Other Method
Dwelling not owned by applicant, church, school, schoolyard, business, other structure to which the general public has access, park ⁽⁴⁾	1,500 feet	500 feet	1,000 feet
Incorporated city limit ⁽⁴⁾⁽⁵⁾	3,000 feet	1,000 feet	2,000 feet
Lake, river, blue-line stream, karst feature	150 feet	75 feet	150 feet
Water well not owned by applicant ⁽⁴⁾	300 feet	150 feet	150 feet
Downstream ⁽¹⁾ water listed in 401 KAR 5:030 as exceptional water or outstanding national resource water; or outstanding state resource water ⁽²⁾	1 mile	750 feet	1,500 feet
Downstream ⁽¹⁾ public water supply surface water intake	5 miles	1 mile	1 mile
Roadways, primary (state and federal) ⁽⁴⁾	150 feet	75 feet	150 feet
Roadways, secondary (county)	150 feet	75 feet	150 feet

(1) Measured along gradient.

(2) Designated outstanding state resource waters are listed in 401 KAR 5:026.

(3) Measured from the edge of the barn, lagoon, or land application area to the nearest edge of the setback feature.

(4) Existing at the time the first animal feeding operation permit is issued.

(5) For existing operations, land application setbacks do not apply to city limits.

A new barn or lagoon shall not be located in:

1. A state or national park or forest or nature preserve.
2. A wellhead protection area approved by the Cabinet, pursuant to 401 KAR 4:220.
3. A 100-year floodplain, unless permitted pursuant to 401 KAR 4:060.
4. A jurisdictional wetland as determined by the Natural Resources Conservation Service (NRCS).
5. A sinkhole or other enclosed depression where subsidence is evident.

A land application area shall not be located in:

1. A state or national park or forest, or nature preserve.
2. A wellhead protection area approved by the Cabinet, pursuant to 401 KAR 4:220.

B. Air Quality

Secondary ambient air quality standards state that anytime, when one (1) volume unit of ambient air is mixed with seven (7) volume units of odorless air, the mixture must have no detectable odor. Pursuant to 401 KAR 53:010, this standard shall be met at the permittee's property boundaries.

C. Visual Inspections and Additional Monitoring

The permittee shall make daily, visual inspections of the animal waste retention structures, the animal holding areas and the land application areas in order to evaluate the potential for any wastewater discharges to waters of the Commonwealth. The permittee shall also take the following measurements and samples in accordance with the schedule set out below:

<u>Frequency</u>	<u>Measure</u>
Daily	Precipitation - the permittee shall maintain an on-site rain gauge and shall maintain precipitation logs
Daily	Volume of waste land applied and the number of acres utilized
Daily	Volume of waste which is transferred off site and its destination
Weekly	Percentage of remaining animal waste storage capacity
Annually*	Nitrogen and phosphorus content of waste
Annually*	Phosphorus content of the soil in land application fields

*The permittee shall analyze waste and soils prior to the first crop-growing season after coverage under this permit begins and once a year thereafter.

The results of the daily inspections, the daily and weekly measurements, and the annual analysis shall be kept in a log maintained at the facility. The log shall be made available to representatives of the Division of Water upon request.

D. Nutrient Management Plan

The permittee shall follow the Nutrient Management Plan as approved by the Division of Water for this facility.

The primary purpose of the NMP is to achieve the correct nutrient level (nitrogen and phosphorus) needed to grow the planned crop by balancing the nutrients already in the soil with the nutrients in the animal waste that is land applied. The NMP should prevent the application of nutrients at rates that will exceed the capacity of the soil and crops to assimilate them. The NMP should address the timing and method of land application activities and must specify how land application activities will comply with the applicable setback restrictions. The plan should also address the following BMPs that must be complied with upon issuance of this permit:

1. Animal waste retention structures shall be properly closed in the event they are taken out of operation.
2. Handling and disposal of dead animals shall be done in accordance with state veterinarian standards and procedures.

3. Chemicals shall not be introduced into wastewater or animal waste retention structures for disposal purposes.
4. Precipitation shall be diverted from contact with animal waste retention structures or animal holding areas.
5. The land application of wastewater and solids shall be at a rate such as to prevent runoff to waters of the Commonwealth and shall be conducted in accordance with the NMP.
6. Land application activities shall not occur on snow covered, frozen, or saturated ground and shall be conducted in accordance with the NMP.
7. Measures shall be taken to prevent the direct access of animals to waters of the Commonwealth.
8. Buffer strips shall be maintained around animal waste retention structures, animal holding areas, and land application areas to prevent soil erosion and to protect water quality.

The permittee shall maintain a copy of the NMP on site and shall make the plan available to representatives of the Division of Water upon request. The plan shall contain a statement certifying that the NMP meets all applicable permit requirements and must be signed by the permittee.

The permittee shall amend the NMP whenever there is a change in the facility or change in the operation of the facility that materially increases the potential for the release of pollutants.

If at any time following the issuance of this permit, the NMP is found to be inadequate pursuant to a state or federal site inspection or plan review, the plan shall be modified to incorporate such changes necessary to correct the inadequacy.